
UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF TEXAS**

DONTE HOUSTON,

Plaintiff,

*versus*JUDGE PAM FLETCHER, *et al.*,

Defendants.

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CIVIL ACTION NO. 9:22-CV-71

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING THE
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff, Donte Houston, a pre-trial detainee at the Houston County Jail, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Defendants State District Court Judge Pam Fletcher and Houston County Sheriff Randy Hargrove.

The court has received and considered the Report and Recommendation of the magistrate judge filed pursuant to such order, along with the record, and pleadings (#3). Plaintiff filed Objections to the Report and Recommendation (#5). This requires a *de novo* review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b).


The magistrate judge recommended Plaintiff's claims against Defendant State District Court Judge Pam Fletcher be dismissed as she is entitled to absolute immunity. As outlined in the Report and Recommendation, Plaintiff complains of actions taken by this Defendant in her judicial capacity. As a result, she is absolutely immune from any claim for damages liability which Plaintiff may raise. *Dennis v. Sparks*, 449 U.S. 24, 27 (1980). Plaintiff's dissatisfaction with the doctrine of judicial immunity is irrelevant.

With respect to Defendant Houston County Sheriff Randy Hargrove, the magistrate judge determined that Plaintiff's claims lacked merit as Plaintiff had been indicted and, thus, probable cause existed to support his detention. *Harvey v. Bexar County Sheriff's Dept.*, 753 F. App'x 305, 307 (5th Cir. 2018). Despite Plaintiff's belief to the contrary, he is simply not entitled to compensation for his alleged wrongful detention under Texas state law as he does not allege a violation of a right secured by the United States Constitution as required under 42 U.S.C. § 1983. *Id.* (citing *Southwestern Bell Tel. LP v. City of Houston*, 529 F.3d 257, 260 (5th Cir. 2008)). Plaintiff's claims are frivolous and fail to state a claim against either Defendant.

ORDER

Accordingly, Plaintiff's Objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the reports of the magistrate judge are **ADOPTED**. A final judgment will be entered in accordance with the recommendation of the magistrate judge.

SIGNED at Beaumont, Texas, this 9th day of March, 2023.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE